



STATE OF MAINE  
COMMISSION ON GOVERNMENTAL ETHICS  
AND ELECTION PRACTICES  
135 STATE HOUSE STATION  
AUGUSTA, MAINE  
04333-0135

**Agenda**

**Meeting of December 10, 2004**

9:00 a.m., Commission Offices, 242 State Street, Augusta, Maine

**ROUTINE BUSINESS**

**1. Ratification of minutes of October 6, 2004 meeting**

The minutes of the other October meetings will be ready for the Commission's review at the January 2005 meeting.

**NEW BUSINESS**

**2. Proposed Legislation**

The Commission staff submitted a proposed bill on December 1 to meet the cloture deadline for agencies, and requests guidance from the Commission on changes to the bill.

**3. Complaint against First Citizens Bank of Caribou and Maine Economic Research Institute – WITHDRAWN**

No action by the Commission is required on this item.

**4. Late Independent Expenditure Report by Citizens for Responsibility PAC**

The Citizens for Responsibility political action committee was three days late in filing an independent expenditure report. The report was filed on November 1, the day before the general election. *Staff recommendation: in addition to the routine penalty of \$302.85 that the Election Law requires for the late filing of an independent expenditure report, the Commission should assess an additional penalty of \$750 because the late filing caused a three-day delay in the payment of matching funds.*

**5. John O'Brien/Failure to Revoke Exemption Before Accepting a Contribution**

On April 1, 2004, State Senate candidate John O'Brien submitted a registration form that included a sworn statement that he would not accept contributions, make expenditures, or incur obligations in connection with his candidacy. On the basis of this statement, the Commission and Mr. O'Brien's opponent believed he was exempt from the requirement of filing campaign finance reports. In spite of the sworn statement, on September 30 he used \$862.26 of his personal funds to purchase campaign signs. Before making this expenditure Mr. O'Brien was required to file a written notice with the Commission revoking his previous exemption statement. *Staff recommendation: the Commission should assess a civil penalty of \$181.07 against Mr. O'Brien for making the expenditure without first filing a formal notice revoking his exemption statement. In addition, the*

*Commission should find him in violation for not filing the accelerated report due October 12, 2004.*

**6. Gary Knight/Failure to Revoke Exemption Before Accepting a Contribution; Late Filing of October 27 Report**

On April 2, 2004, House candidate Gary Knight submitted a registration form that included a sworn statement that he would not accept contributions, make expenditures, or incur obligations. In spite of this sworn statement, on September 4, he accepted a contribution of \$100 from a political action committee. He filed an amended registration form ten days later which effectively revoked his earlier exemption statement. Mr. Knight filed an itemized campaign finance report due October 27 more than 48 hours after the deadline. *Staff recommendation: the Commission should assess a civil penalty of \$443.25 for filing the October 27 report three days late and a penalty of \$10 for accepting the contribution before revoking the exemption statement.*

**7. Late Party Committee Report/Lincoln County Democratic Committee**

County party committees are required to file a 24-Hour Report within 24 hours of making an expenditure of \$1,000 or more. The Lincoln County Democratic Committee reported an October 25 expenditure of \$1,000 to the Waldoboro Post Office for postage one day late on October 27. It reported an October 26 expenditure of \$3,750 to Clear Channel Radio one day late on October 28. It reported independent expenditures dated October 14 -21 totaling \$7,104.86 on October 27 several days late after being advised by the Commission staff that a report was overdue. Treasurer Joan D. Kierstead has submitted a written request that the penalties be waived. *Staff recommendation: the Commission should not waive the penalties because matching funds were delayed by the late filing of the independent expenditure report. The Commission should assess the statutory penalties totaling \$471.99 (\$10.00 + \$37.50 + \$426.29).*

**8. Late Party Committee Report/Maine Motorcyclist PAC**

The Maine Motorcyclist PAC filed its October 27 report 16 days late on November 12. Its previous reports for 2004 were filed late. The PAC replaced the former treasurer who apparently was responsible for the late filings with a new individual who appears committed to rectifying past errors and filing on time in the future. The statutory penalty is \$269.92. *Staff recommendation: the Commission should assess a penalty of \$134.96 that is reduced by 50% because of the demonstrated commitment of the PAC's new treasurer.*

**9. Douglas Newman/Missing "Paid for" Disclosure on Campaign Communications**

Title 21-A M.R.S.A. §1014 requires that advertising and literature that advocates the election or defeat of a candidate include disclosure of which persons paid for the communication and whether the expenditure was authorized by the candidate. The disclosure provides the public with information as to who is supporting a candidate, and may also indicate if an independent expenditure report should be filed which would trigger matching funds.

Literature lacking the “paid for” disclosure was sent by the campaign of Senate candidate Doug Newman. *Staff recommendation: consistent with Commission determinations earlier this year, the Commission should make a finding of violation but assess no civil penalty.*

**10. Hon. Joanne Twomey/Missing “Paid for” Disclosure on Campaign Communications**

Rep. Joanne Twomey omitted the required “paid for” disclosure from a set of brochures she produced. After the error was brought to her attention by the Commission staff, she created new brochures that included the disclosure. *Staff recommendation: the Commission should make a finding of violation but assess no civil penalty.*

**11. David Kubiak/Expenditures on Electronic Equipment and Advertising**

The Commission staff requests guidance on whether any inquiry is necessary regarding David Kubiak’s expenditures on electronics and advertising to verify that they were for campaign-related purposes, and, if so, what form the inquiry should take.

**12. Request Regarding 2002 Report by People for a Strong Maine Economy**

The Commission received a request from Andre E. Cushing regarding information missing from a December 17, 2002 report by the People for a Strong Maine Economy political action committee. The Commission staff is hopeful that it will receive the information from the former PAC treasurer prior to the December 10 meeting.

**Other**

Miscellaneous as needed.

**EXECUTIVE SESSION**

If necessary.

**ADJOURNMENT**